

SCANNED

DATE: 6/18/04

BY: [Signature]

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

LESLIE CRONISTER,

*Defendant.*JUN 15 P 2:21
DISTRICT OF MASS.

Court No.

MAGISTRATE JUDGE [Signature]

RECEIPT #

AMOUNT \$ N/A

SUMMONS ISSUED YES

LOCAL RULE 4.1

WAIVER FORM

MCF ISSUED

BY DPTY. CLK. [Signature]

DATE 6/17/04

COMPLAINT

The United States of America, by its attorney, Michael J. Sullivan, United States

Attorney for the District of Massachusetts, states as its complaint that:

1. Jurisdiction of this action is conferred on the Court by 28 U.S.C. § 1345.
2. The defendant, Leslie Cronister (hereinafter "Cronister"), resides in the District of Massachusetts at 50 Chouteau Avenue, Framingham, MA 01701.
3. On February 19, 1999, the Plaintiff executed the Special Pay Agreement to receive special pay pursuant to 39 U.S.C. § 7431. Pursuant to the terms of the Special Pay Agreement signed by the Defendant, the Defendant agreed to refund a percentage of special pay in the event of resignation. On December 2, 2000, the Defendant voluntarily resigned from the Veterans Affairs employment. See the Special Pay Agreement attached hereto as Exhibit "A" and incorporated herein.

4. Cronister is indebted to the United States in the principal amount of \$7,628.97 plus interest and administrative charges computed at the rate of 5.0 percent per annum for a total amount of \$10,346.08 as of May 28, 2004. Thereafter, interest on the principal amount will accrue at the rate of 5.0 percent per annum until the date of judgment. See the Certificate of Indebtedness attached hereto as Exhibit "B" and incorporated herein.

5. Cronister has failed to repay the aforesaid sum although demand has been duly made.

WHEREFORE, the United States demands judgment against Cronister in the principal amount of \$7,628.97; plus interest and administrative charges in the amount of \$2,717.11; plus interest on this principal at an annual rate of 5.0 percent per annum until the date of judgment. The United States further demands, pursuant to 28 U.S.C. § 1961, that interest on the judgment accrue at the legal rate until paid in full.

Respectfully submitted,

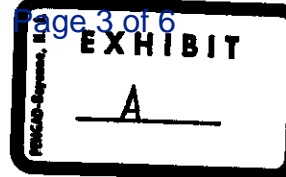
UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

By: 

CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3328



Dated: June 15, 2004



SPECIAL PAY AGREEMENT

TO RECEIVE SPECIAL PAY UNDER 38 U.S.C. 7431

1. As a consequence of my receipt of Special Pay for which I qualify under regulations issued by the Secretary of Veterans Affairs hereinafter referred to as the Secretary, I hereby agree to serve in the Veterans Health Administration (VHA) of the Department of Veterans Affairs (VA) for the period beginning 02-28-99; and ending 02-27-2003; however, this agreement does not alter the applicability of VHA regulations and procedures concerning terms, conditions, and duration of employment, and this agreement does not constitute an employment contract.
2. This agreement shall be effective upon approval by the Secretary (or designee) of the amount payable, provided I am otherwise eligible; and my entitlement to Special Pay shall commence on the date prescribed in accordance with regulations.
3. I acknowledge that in the event I voluntarily or because of misconduct fail to complete any of the year(s) of service (measured from the anniversary date of my agreement) in a position(s) which entitles me to receive Special Pay, I will refund the specified percentage (listed below) of Special Pay I have received that year unless the Chief Medical Director (CMD), in accordance with prescribed regulations, determines that my failure to complete my agreed period of service is due to circumstances which are beyond my control. It is further agreed that the amounts of the specified percentages will be a debt due to the United States, which I hereby agree to pay in full as directed by the Department of Veterans Affairs. The specified percentages are: (a) 100 percent of the special pay received under the agreement if the failure occurs during the first year; (b) 75 percent of the special pay received in the second year if the failure occurs during that year; (c) 50 percent of the special pay received in the third year if the failure occurs during that year; and (d) 25 percent of the special pay received in the fourth year if the failure occurs during that year.
4. I understand that my entitlement to Special Pay under this agreement will terminate when any of the following occur:
 - a. Separation from employment with the Veterans Health Administration for any reason.
 - b. Assignment to an excluded category.
 - c. Completion of agreed period of service, or enactment of superseding law.
 - d. My specific written request to terminate Special Pay.
 - e. Execution of a superseding agreement.
5. I understand that a general increase in the rates of basic pay of persons receiving Special Pay may result in a reduction in the amount of the Special Pay I subsequently receive under this agreement.
6. I acknowledge that the regulations in MP-5, part II, chapter 3, section B, and the VHA Supplement thereto issued by the Secretary (or designee) to implement Special Pay are incorporated into and made a part of this agreement and I have read a copy of those regulations.
7. I acknowledge that the Secretary (or designee), may, pursuant to regulations, adjust the amount of Special Pay to which I am entitled to reflect appropriately any change in my position status from full-time to part-time, from part-time to full-time, from one proportion of part-time employment to another proportion of part-time employment, or to reflect a change in time spent in a position, specialty, or the level of responsibilities to which I am assigned.

SIGNATURE OF PHYSICIAN OR DENTIST  LESLIE C. CRONISTER, M.D., ACOS/AMB CARE	DATE 2-19-99
APPROVAL BY THE SECRETARY OF (DESIGNEE) OR CMD OR (DESIGNEE)  JOHN R. FEARS, MEDICAL CENTER DIRECTOR	EFFECTIVE DATE 02-28-99

DEPT OF VETERANS AFFAIRS
CARL T HAYDEN
VA MEDICAL CENTER
650 E INDIAN SCHOOL ROAD
PHOENIX AZ 85012

AGENCY NAME
CITY AND STATE

CERTIFICATE OF INDEBTEDNESS

DEBTOR(S) NAME(S) AND
ADDRESS(ES)

LESLIE CRONISTER
50 CHOUTEAU AVENUE
FRAMINGHAM MA 01701

TOTAL DEBT DUE UNITED STATES AS OF MAY 28, 2004 \$ 10,346.08

I certify that K136732 records show that the debtor(s) named above is/are indebted to the United States in the amount stated above, plus additional interest on the principal balance of \$ 7,628.97 from 12-06-00 at the annual rate of 5 %. Interest accrues on the principal amount of this debt at the rate of \$ 1.10 per day.



CERTIFICATION: Pursuant to 28 USC section 1746, I certify under penalty of perjury that the foregoing is true and correct.

5/28/04
(Date)

JANE BEYER FINANCIAL MANAGER
(Name and Title)

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY)

FILED
U.S. OFFICE *Leslie Cronister*

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

2004 JUN 15 P 2:21

DISTRICT COURT
DISTRICT OF MASS.

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES NO

DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Christopher R. Donato, Assistant U.S. Attorney

ADDRESS U.S. Attorney's Office, 1 Courthouse Way-Suite 9200, Boston, MA 02210

TELEPHONE NO. 617 748 3303

04 11378 GAO

CIVIL COVER SHEET

JS 44 (Rev. 3/99)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney/S (Firm Name, Address, and Telephone Number)
CHRISTOPHER R. DONATO, AUSA
1 COURTHOUSE WAY, SUITE 9200
BOSTON, MA 02210
(617) 748-3303

DEFENDANTS

LESLIE CRONISTER

County of Residence of First Listed Defendant
Middlesex 25017

NOTE: (IN U.S. PLAINTIFF CASES ONLY)
IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)
DISTRICT OF MASS.

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

- Citizen of This State ☐ 1 ☐ 1 DEF ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 DEF ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 DEF ☐ 6 ☐ 6
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input checked="" type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization A <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Action

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

38 U.S.C. SECTION 7431

Special Pay Agreement

DEMAND \$

\$10,346.08

CHECK YES only if demanded in complaint

JURY DEMAND: Yes ☐ No ☐

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

SIGNATURE OF ATTORNEY OF RECORD

Christopher R. Donato

DATE

6/15/04

JUDGE

MAG. JUDGE

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

This form was electronically produced by Elite Federal Forms, Inc.

DOCKET NUMBER